

Notice of Allowability

Application No.

09/822,850

Examiner

Robin A. Hylton

Applicant(s)

DIESTERBECK, FRANK

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the request for continued examination filed July 22, 2004.

2. ☒ The allowed claim(s) is/are 2-13 and 17-26.

3. ☐ The drawings filed on _____ are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 10/22/03.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

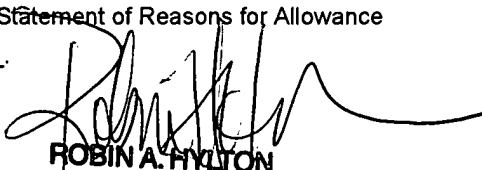
5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____

7. ☐ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____


ROBIN A. HYLTON
PRIMARY EXAMINER

Allowable Subject Matter

1. The following is an examiner's statement of reasons for allowance: the prior art of record does not teach nor fairly suggest a container and snap lid as set forth in the claims. More specifically, there is no teaching of a snap lid having a circumferential sealing web projecting downwards that contacts the inside of the container providing a sealing region, at least one projection extending in an essentially radial and essentially vertical direction provided on the lid radially inside the sealing web, wherein a vertical extension of an area of the at least one projection adjacent to the sealing web is smaller than a total vertical extension of the at least one projection.

Claim 22 further includes the container limitation of "the sealing region of the sealing web on the inside of the container is at level with the outer snap edge or at least one radially outward protruding reinforcing rib is integrally molded on the top edge region of the container and the sealing region of the sealing web is at level or roughly level with the radially outward protruding reinforcing rib of the container".

Claim 23 further includes container limitations of "the at least one projection is located on an inside circumferential edge integrally moulded on the sealing web and extends radially inward from the circumferential edge and wherein the sealing region of the sealing web on the inside of the container is at the level with the outer snap edge or at least one radially outward protruding reinforcing rib is integrally molded on the top edge region of the container and the sealing region of the sealing web is at level or roughly level with the radially outward protruding reinforcing rib of the container".

Claim 24 further includes container limitations of "the at least one projection is spaced radially apart from the sealing web", "the at least one projection is located on an inside circumferential edge integrally moulded on the sealing web and extends radially inward from the circumferential edge", and "the outside of the top edge region of the container has a radially outward projecting and at least substantially vertical downward-facing collar region, which is joined in the top edge circumferential region of the container, the snap edge is moulded spaced from an upper end and from a lower end of the collar region at the at least substantially vertical downward-facing circumferential collar region and the snap edge is arranged at the level of the at least one projection".

Art Unit: 3727

Claim 25 further includes the limitations of “the at least one projection is spaced radially apart from the sealing web, (1a) the sealing region of the sealing web on the inside of the container is at level or roughly level with the outer snap edge, or (1b) at least one radially outward protruding reinforcing rib is integrally molded on the top edge region of the container and the sealing region of the sealing web is at level or roughly level with the radially outward protruding reinforcing rib of the container, or (1c) the outside of the top edge region of the container has a radially outward projecting and at least substantially vertical downward-facing circumferential collar region, which is joined in the top edge region of the container, the snap edge moulded spaced from an upper end and from an lower end of the collar region at the at least substantially vertical downward-facing circumferential collar region and the snap edge is arranged at the level of the at least one projection (2) and wherein the snap edge or the reinforcing rib is arranged vertically below the area of the at least one projection adjacent to the sealing web, or is arranged vertically below an inside circumferential edge integrally moulded on the sealing web and extending radially inward from the circumferential edge, at which the at least one projection is located on”.

Claim 26 further includes container limitations of “the outside of the top edge region of the container has a radially outward projecting and at least substantially vertical downward-facing circumferential collar region, which is joined in the top edge region of the container, the snap edge is molded at the at least substantially vertically downward-facing collar region, wherein at least one radially projecting reinforcing rib is integrally molded on the at least substantially vertically downward-facing collar region or between the snap edge and the top edge region of the container, and wherein the sealing region of the sealing web on the inside of the container is at level or roughly level with the outer snap edge or at least one radially outward projecting reinforcing rib being integrally molded on the top edge region of the container is at level or roughly level with the sealing region”.

The prior art does not teach the limitations of the container and closure combination of as set forth in the claims.

Art Unit: 3727

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Various prior art closures teaching features similar to those disclosed and/or claimed are cited for their disclosures.

3. In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at (703) 872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 3720 will be promptly forwarded to the examiner.

4. It is called to applicant's attention that if a communication is faxed before the reply time has expired, applicant may submit the reply with a "Certificate of Facsimile" which merely asserts that the reply is being faxed on a given date. So faxed, before the period for reply has expired, the reply may be considered timely. A suggested format for a certificate follows:

I hereby certify that this correspondence for Application Serial No. _____ is being facsimiled to The U.S. Patent and Trademark Office via fax number (703) 872-9306 on the date shown below:

Typed or printed name of person signing this certificate

Signature _____

Date _____

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robin Hylton whose telephone number is (703) 308-1208. The examiner works a part-time schedule and can normally be reached on Monday - Friday from 9:00 a.m. to 1:00 p.m. (Eastern time).

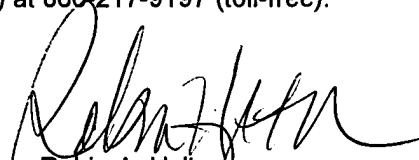
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young, can be reached on (703) 308-2572.

Art Unit: 3727

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Errica Miller at (703) 306-4005.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148 or may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RAH
September 30, 2004



Robin A. Hylton
Primary Examiner
GAU 3727